

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN H. LYLES,)	
)	2:02cv2083
Plaintiff,)	Electronic Filing
vs.)	Judge David S. Cerccone /
)	Magistrate Judge Lisa Pupo Lenihan
ARAMARK COMMASARY;)	
MS. LIGHTFOOT; WARDEN)	
LIGHTFOOT; JOHN DOES)	
)	
Defendants.)	

MEMORANDUM ORDER

On December 4, 2002, this case was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was subsequently transferred to Magistrate Judge Lisa Pupo Lenihan on April 6, 2004.

The magistrate judge's report and recommendation filed on August 30, 2005, recommended that the Amended Complaint filed by Plaintiff be dismissed for failure to prosecute, or in the alternative, that the Motion for Summary Judgment filed by Aramark Commissary be granted. The parties were allowed (10) days from the date of service to file objections. Service was made on the Plaintiff at F.C.I. Allenwood and on counsel for the defendants. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 27th day of September, 2005:

IT IS HEREBY ORDERED that the Amended Complaint filed by the Plaintiff is **DISMISSED** for failure to prosecute.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by Defendant Aramark Commissary is **GRANTED** as to Plaintiff's claim that Aramark was providing him with inadequate food.

The report and recommendation of Magistrate Judge Lisa Pupo Lenihan, dated August 30, 2005, is adopted as the opinion of the court.



David Stewart Cercone
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

John Lyles
51767-060
SCI Allenwood
P.O. Box 1000
White Deer, PA 17889

Jeffrey A. Ramaley
Zimmer Kunz
600 Grant Street
3300 USX Tower
Pittsburgh, PA 15219

Charles P. McCullough
J. Deron Gabriel
Allegheny County Law Department
300 Fort Pitt Commons
445 Fort Pitt Boulevard
Pittsburgh, PA 15219